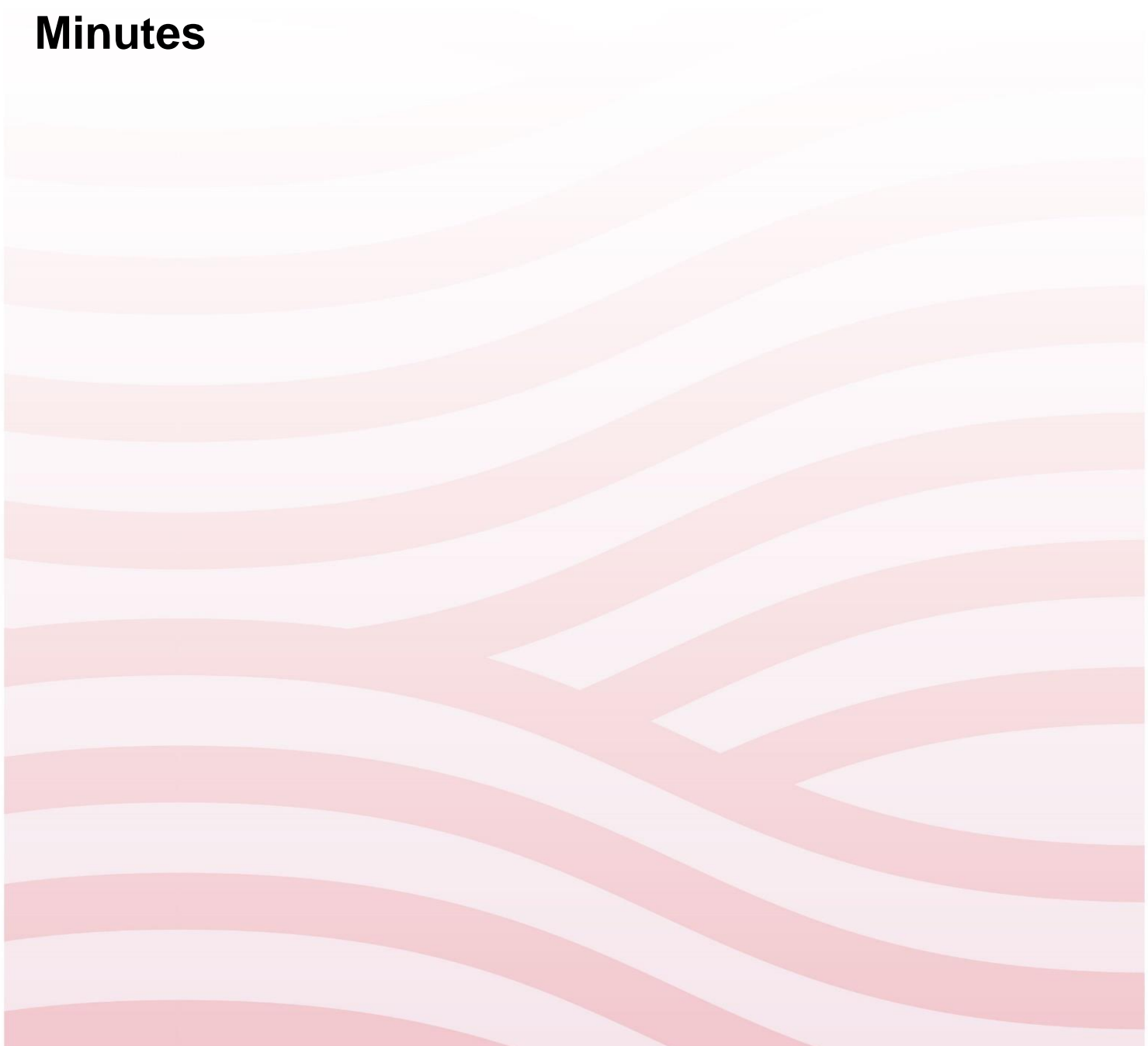




Woollahra Local Planning Panel (Public Meeting)

Thursday 18 July 2024
1.00pm

Minutes



**Woollahra Local Planning Panel
(Public Meeting)
Minutes**

Thursday 18 July 2024

**Held under clause 25 of Schedule 2
of the Environmental Planning and Assessment Act 1979**

Table of Contents

Item	Subject	Pages
D1	DA413/2023/1 - 90 John Street Woollahra.....	4

Woollahra Local Planning Panel (Public)

Minutes of the Meeting held on 18 July 2024 at 1.00pm.

Present:	David Ryan	(Chair)
	Peter Brennan	(Expert)
	Larissa Ozog	(Expert)
	Malcolm Young	(Community Representative)
Staff:	George Fotis	(Team Leader)
	Carolyn Nurmi	(Governance Officer)
	Brett McIntyre	(Acting Team leader)
	Thomas Wong	(Acting Manager Development Control)

Note: The Panel was briefed by council staff on each Item prior to the meeting.

The Panel heard members of the public who registered to address at the commencement of the public meeting. The public meeting was closed at 1.20pm.

The Panel then deliberated and voted on each Item in a confidential meeting.

The decisions are recorded in these Minutes.

Leave of Absence and Apologies

Nil

Late Correspondence

Late correspondence was submitted to the Panel in relation to item D1

Declarations of Interest

Nil

ITEM No.	D1
FILE No.	DA413/2023/1
ADDRESS	90 John Street, Woollahra
PROPOSAL	Extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping.

Note: Late correspondence was tabled by Brett Daintry and Lindsay Coleman.

Note: Lindsay Coleman and Jennifer Stenning on behalf of 4 Ocean Street, Woollahra addressed the Panel.

Reasons for Decision

The Panel has undertaken a site inspection, considered any submissions and late correspondence, and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is satisfied that the application be refused for the reasons set out below.

Resolved: Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 413/2023/1 for extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping on land at 90 John Street Woollahra, for the following reasons:

1. Heritage Matters (Demolition)

The proposed development involves the substantial demolition of a contributory item in a heritage conservation area. It is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding contributory items.

- a) The proposal fails to achieve aim (f) of Part 1.2 of the WLEP as the substantial demolition does not seek to conserve the built heritage of Woollahra.
- b) The proposal is inconsistent with Objectives (a) and (b) in Part 5.10 of the WLEP as it does not conserve the heritage of Woollahra, and the heritage significant of the Woollahra Heritage Conservation Area.
- c) The proposal is inconsistent with the policies and principles established in Part C2.2.6 of the WDCP, as the proposal involves substantial demolition of a contributory item within the Woollahra Heritage Conservation Area.
- d) The proposal does not achieve O6 in Part C2.3.2 of the WDCP as it does not retain or conserve a contributory item within the West Woollahra Precinct.
- e) The proposal is inconsistent with O1 and O6 and Controls C1 and C3 in Part C2.5.2 of the WDCP as as it does not seek to retain or conserve a contributory item.

2. Excavation

The proposed development is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding excavation.

- a) The proposal fails to achieve aim (m) of Part 1.2 of the WLEP as the proposed excavation is excessive and therefore not minimised in this case.
- b) The applicant has not provided sufficient information to facilitate consideration of the relevant matters set out in Part 6.2(3) of WLEP.
- c) The proposal therefore fails to achieve the objective set out in Part 6.2(1) of WLEP.
- d) The applicant has not provided sufficient information to facilitate consideration of the ongoing structural integrity of neighbouring properties, which is contrary to O1, O2, O6 as well as Controls C5 and C6 in Part C2.5.10 of the WDCP.
- e) The proposal does not achieve Objective O3 in Part C2.5.10 of the WDCP as excavation is not limited in this circumstance.
- f) The proposal is inconsistent with Objective O5 in Part C2.5.10 of the WDCP as the proposed basement level is not related to the existing topography or ground levels of the site.
- g) The outer edge of excavation for the proposed swimming pool is not setback adequately from the side and rear setbacks, which is non-compliant with Control C8 (b) in Part C2.5.10 or C28 in C2.5.6 of the WDCP.
- h) The applicant has not provided sufficient information to demonstrate that excavation to accommodate the swimming pool would not adversely impact neighbouring properties in accordance with C8 (e) in Part C2.5.10 of the WDCP.

3. Building Height, Bulk and Siting

The proposed development is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding building height, bulk and siting, resulting in unreasonable adverse amenity impact to neighbouring properties.

- a) The proposal fails to achieve aim (g) of Part 1.2 of the WLEP as it does not seek to protect or enhance amenity of adjoining properties.
- b) The proposal is inconsistent with Objective (c) in Part 4.3 of the WLEP as it would result in reduced natural light access to the private open spaces and main habitable areas of the adjacent properties at No.4 and 6 Ocean Street.
- c) The proposal is inconsistent with Objective (d) in Part 4.3 of the WLEP as it would result in adverse bulk and visual intrusion presented to the private open spaces and main habitable areas of the adjacent properties at No.4, 6 and 8 Ocean Street. The proposal would also result in adverse visual privacy impact to the properties located at No.8 Ocean Street, 14 Ocean Street and 88 John Street.
- d) The proposal does not achieve Objective O4 in Part C2.5.1 of the WDCP as the proposed bulk and siting of the dwelling it is not considered conducive to the ongoing privacy or amenity of adjoining properties in its immediate context.

4. Privacy Impact

The proposed development is contrary to the relevant provisions of the Woollahra DCP 2015 regarding visual privacy to adjoining properties.

- a) The proposal does not achieve Objective O1 and O2 in Part C2.5.12 of the WDCP as it would result in unreasonable visual privacy impact to existing adjoining properties.

- b) Notwithstanding any proposed screening, the proposed openings to the rear (northern) elevation and the side (western) elevation (particularly DW11 and DW23) at Ground and First Floor Level would provide unreasonable overlooking into the main private open space area of No.88 John Street, which is non-compliant with Control C6 in Part C2.5.12 of the WDCP.
- c) Notwithstanding any proposed screening, the proposed openings to the rear (northern elevation) at Ground and First Floor Level would reduce visual privacy to No.14 Ocean Street (in the absence of the existing hedge or any proposed landscaping as per the planning principle established in *Super Studio v Waverley [2004]*), which is non-compliant with Control C6 in Part C2.5.12 of the WDCP.

5. Insufficient Information

Geotechnical and Hydrogeological Report

The Applicant has not provided sufficient information to allow the geotechnical considerations associated with the proposal to be properly assessed.

The Applicant has failed to address Council's request for additional information dated 22 November 2023. The submitted geotechnical report must be amended to comply with Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports" and Chapter E2.2.10 of Council addressing the following:

- a. Minimum two boreholes extended to the depth of excavation must be carried out,
- b. The report must be prepared in accordance with Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports" which includes:
 - i. Support and Retention – The report must:
 - Include recommendations as to appropriate temporary and permanent site support and retention measures.
 - Predict ground settlements in areas adjacent to the development site resulting from temporary and permanent site support and retention measures and demonstrate that settlement will have no adverse impact on the surrounding properties and infrastructure.
 - Demonstrate that permanent earth or rock anchors will not be required on or below any road reserve or other Council property. Council may accept the use of temporary anchors if the applicant can adequately demonstrate that the use of temporary anchors would sufficiently improve the safety of the retention of excavations that may be proposed. The installation of such temporary anchors must comply with the Council's Rock Anchor Policy. (Use of permanent and/or temporary anchors on private property is not allowed without written confirmation by the property owners).
 - Show that permanent support and retention measures will be set back a minimum of 900mm (or minimum as advised in the relevant Development Control Plan) from the adjacent property boundaries. This is aimed at minimising the localised damage created by the installation of retention systems and to provide a corridor for perimeter drainage.
 - ii. Hydrogeology – The report must demonstrate:
 - The method and rate of dewatering during and after construction, including the location and disposal of site dewatering. This includes seepage and stormwater trapped in excavations,

- That there will be no adverse impact on surrounding property and infrastructure as a result of changes in local hydrogeology (behaviour of groundwater) created by the method of construction. This includes the short-term effects resulting from construction practices, including the method and rate of dewatering and the long-term effects resulting from the support and retention of property and infrastructure after construction has been completed,
 - That temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where data is limited or unavailable, the report must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding properties and infrastructure,
 - That groundwater drainage systems have been designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations,
 - That all below ground structures are fully sealed to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- iii. Vibration – The report must:
- Demonstrate that there will be no adverse impact on the surrounding properties and infrastructure as a result of vibration created by the method of construction used for the development. As a minimum, reports must demonstrate compliance with the requirements of AS2187.2 Appendix J.
 - Recommend appropriate plant, equipment and construction methods.
- c. The report must be prepared by a suitably qualified Geotechnical/Hydrogeological Engineer with NER qualification in accordance with Councils document “Guidelines for Preparation of Geotechnical and Hydrogeological Reports”. In this regard, the author’s credentials including NER registration number must be clearly depicted on the report. Notwithstanding, Council will accept reports prepared by an Engineering Geologist provided that the report is prepared in accordance with Council’s document “Guidelines for Geotechnical and Hydrogeological Reports” and have been reviewed and signed by a Chartered Geotechnical Engineer who credentials must also be provided in the report.

Stormwater Management Plan

The submitted Stormwater Management Plan must be amended address the following:

The proposed rainwater tank requires an additional 20% capacity due to the installation of a pump out system to comply with Chapter E.2.2.9 of Council’s DCP.

Boundary Fencing

Drawing DA-04A.3 (Proposed Lower Ground Floor) includes the notation ‘New timber boundary fence’ to the eastern boundary at the rear which is discrepant with other drawings in the submitted set. This would require clarification.

6. Public Interest

For the reasons outlined above, the proposal is not in the public interest.

Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.

For the Motion

Against the Motion

Peter Brennan
Larissa Ozog
David Ryan
Malcolm Young

4/0

There being no further business the meeting concluded at 1.25pm.

We certify that the pages numbered 1 to 8 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 18 July 2024 and confirmed by all Panel members of the Woollahra Local Panel on 22 July 2024 as correct.

Chairperson

Secretary of Committee

Expert

Expert

Community Representative